IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

WRIT PETITION NO. 1152 OF 2006

Mrs. Kalpana Shivram Sawant. ... Petitioner.

V/s.

Bombay Municipal Corporation of
Greater Mumbai & two others. ... Respondents.

None present for the Petitioner.

None present for the Respondents.

.....

CORAM : DR. D.Y. CHANDRACUD,J.

25TH SEPTEMBER, 2006.

P.C. :

1. The relief that has been sought in the Petition is to the following effect :-

> "(a) that this Hon'ble Court be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction of similar nature under Article of the Constitution of India calling for the records and proceedings in Case No.3555 of 2003 at the Bombay City Civil Court in C.R.No.12 and after examine the legality validity and propriety thereof be pleased to quash the impugned notice bearing No.KW/590/CAM/00 dated 16.7.2003 and order for execution of the demolition dated 18.6.2005 bearing No.KW/698/AEM/00 by restoring to the legal structure i.e. residence house."

2. The Suit before the Bombay City City Court is pending. In any event, relief of the nature that has been sought cannot be granted in a Petition under Article 226 of the Constitution of India, since several disputed questions of fact would arise.

3. The Petition is dismissed.